

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.43866 of 2016

ORDER: (per SK,J)

This writ petition was filed assailing the order dated 28.10.2016 passed by the learned Chief Metropolitan Magistrate, Hyderabad, in CrI.M.P.No.2430 of 2016. The ground for challenge was that the said order was contrary to the order dated 25.08.2016 passed by the Debts Recovery Tribunal, Hyderabad, which was thereafter modified on 01.09.2016.

By order dated 16.12.2016, this Court took note of the fact that the case involved a housing loan and accordingly granted an interim order directing the bank not to take physical possession of the subject flat. The petitioner was however directed to continue to pay the EMIs regularly and remit the arrears, if any.

Sri Podila Hari Prasad, learned counsel for the respondent bank, now informs us that the loan account of the petitioner has been regularised and it is no longer classified as a Non Performing Asset.

Sri I.V.Radhakrishna Murthy, learned counsel for the petitioner, would however contend that the petitioner was made to pay in excess of the amount due and that this cause may be left open for redressal by way of appropriate proceedings before the proper forum in accordance with law.

The writ petition is accordingly closed reserving liberty to the petitioner to pursue his remedies as regards any other cause in accordance with law before the proper forum.

Interim order dated 16.12.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

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JUSTICE SANJAY KUMAR

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JUSTICE GUDI SEVA SHYAM PRASAD

Date:07.06.2017

GJ/PGS

